IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE NINETEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

And

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 1637 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 13/10/2004 in WP NO : 17272 OF 2004 on the file of the High Court.)

Between:

Yelle Kishan, S/o Late Y.Pitchaiah,
R/o H.No.3-8-16, Kanchari Bazar, Suryapet, Nalgonda District.

..... APPELLANT

AND

1 The State Bank of Hyderabad, Region-III Zonal Office, rep.by Authorised Officer, Regional Manager, Kachiguda, Hyderabad
2 The State Bank of Hyderabad (ADB), rep.by its Branch Manager, Suryapet, Nalgonda District.

.....RESPONDENTS

Counsel for the Appellant: MR.C.YADAGIRI

Counsel for the Respondents: MR.A.VENKATESWARA SARMA

The Court made the following:

ORAL JUDGMENT: (per KCB. J.)

We have perused the order under challenge. In our considered opinion the said order does not suffer from any legal infirmities so as to call for the interference by this Court.

2. Earlier, before a Division Bench of this Court in Writ Petition No.4799 of 2004 the provisions of Securitisation and Reconstruction of Financial Assets Act, 2002 as well as conducting of the auction of the properties in question were challenged. The properties in question in Writ Petition No.4799 of 2004 and the properties challenged in this Writ Appeal are the self-same properties. The Division Bench in its order dated 21.4.2004 dismissed the said Writ Petition and directed the petitioner therein to work out his remedies as provided under the Act including filing of appeal under Section 17 of the Act within the period of limitation prescribed therefore, to be counted from the date of order, and following the ratio in the said Judgment, the learned single Judge dismissed the present Writ Petition, viz., WP.No.17272 of 2004 observing that the petitioner sought a direction not to proceed with the auction sale process, which is also the subject matter in Writ Petition No.4799 of 2004. Therefore, the impugned order does not suffer from any infirmities.

3. In the result, the Writ Appeal is dismissed at the admission stage.

(K.C.BHANU, J.)

19th October, 2004.

(B.SESHASAYANA REDDY, J.)

SSR

To

1.Principal District Judge, Nalgonda

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